

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
SHERMAN DIVISION

CENTEX HOMES,

Plaintiff,

vs.

CHELDAN HOMES, L.P., and OMS
MANAGEMENT, L.L.C.,

Defendants.

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§
§

CIVIL ACTION NO. _____
Jury Trial Demanded

PLAINTIFF'S ORIGINAL COMPLAINT

TO THE HONORABLE UNITED STATES DISTRICT JUDGE:

COME NOW, Plaintiff Centex Homes, files this Original Complaint against
Defendants Cheldan Homes, LP, and OMS Management, LLC, and would show this
Honorable Court as follows:

I.

PARTIES

1. Plaintiff Centex Homes ("Centex" or "Plaintiff") is a Nevada general partnership with its principal place of business in Dallas, Texas.

2. Defendant Cheldan Homes, L.P. ("Cheldan Homes" or "Defendant") is a limited partnership with its principal place of business in Fort Worth, Texas. It may be served by service of process upon its registered agent for service of process, Allen R. Goss, 6861 Corporation Parkway, Fort Worth, Texas 76216.

3. Defendant OMS Management, LLC ("OMS" or "Defendant") is the general partner for Cheldan and is registered to do business in the state of Texas, with its principal place of business in Fort Worth, Texas. It may be served by service of process upon its

registered agent for service of process, Allen R. Goss, 6861 Corporation Parkway, Fort Worth, Texas 76216.

II.

JURISDICTION AND VENUE

4. This action arises under the Copyright Act, 17 USC § 501 *et seq.* The Court has jurisdiction pursuant to 28 U.S.C. §1338 (a).

5. Venue is proper in the United States District Court for the Eastern District of Texas, Sherman Division, under 28 U.S.C. §1391 (b) and (c) and 28 U.S.C. §1400 because it is a judicial district in which Defendants reside or may be found and a substantial portion of the events giving rise to the claims herein occurred. Defendant used their infringing plans in the design and construction of homes in Anna, Collin County, Texas.

III.

FACTUAL BACKGROUND

6. Cheldan Homes is a Texas homebuilder with communities built or being built across Texas, including but not limited to Collin and Denton counties. OMS Management is the general partner of Cheldan Homes.

7. Centex is a national homebuilder with communities built and being built across the State of Texas, including but not limited to in Collin and Denton counties.

8. Centex has a well-deserved and hard-earned reputation for quality design and construction of homes. This reputation has been developed by over fifty years in the homebuilding business.

9. Centex retains experienced design professionals to design its homes and registers those designs as architectural works with the United States Copyright Office. In

2002, Centex created three of the four floor plans for single family homes (the “2002 Centex Works”) that are at issue in this case. Each of these three architectural works was registered with the Copyright Office. The copyright registration information is as follows:

<u>Title of Work</u>	<u>Registration Date</u>	<u>Copyright Registration No.</u>
CTX 0270 (The Hancock)	February 3, 2004	VAu 611-090
CTX 0274 (The Hamilton)	February 3, 2004	VAu 611-088
CTX 0305 (The Triumph)	July 26, 2004	VAu 631-565

Copies of each of these registrations are attached hereto as EXHIBIT A-1 through A-3.

10. In 2005, Centex created another design, CTX 0509 (The Raleigh) (the “2005 Centex Work”). The 2005 Centex Work was registered on January 15, 2009 and is copyright registration no. VAu 978-729. A copy of the registration is attached hereto as EXHIBIT B.

11. In late February 2008, Centex became aware that Cheldan Homes was offering for sale to the public homes with floor plans that were identical or substantially similar to the 2002 Centex Works and 2005 Centex Work (collectively the “Centex Works”).

12. By letter dated March 27, 2009, Centex demanded that Cheldan Homes cease and desist its improper use of the Centex Works in designing homes. After not receiving a response, counsel for Centex contacted Cheldan Homes and subsequently conferred with counsel for Cheldan Homes. Counsel admitted Cheldan Homes built 37 homes using plans copied from Centex (the “Infringing Plans”). He also admitted there were “similarities” between the Centex Works and the Infringing Plans, but no resolution was reached.

IV.

FEDERAL COPYRIGHT INFRINGEMENT

13. Plaintiffs hereby incorporate the allegations in paragraphs 1-12, above, as if fully set forth herein.

14. Centex is the owner of the Centex Works and, as such, has the exclusive right in the copyrighted Centex Works, including the exclusive right to display the copyrighted Centex Works, prepare derivative works based on the copyrighted work, distribute and/or offer for sale homes based on the Centex Works. Copyright Act, 17 USC §106.

15. Defendants' sale or offering for sale of homes designed by use of the Infringing Plans violates the exclusive rights of Centex under the Copyright Act and has damaged Centex. Defendants' actions were committed willfully, as they were aware of Centex's creation and ownership of the Centex Works, yet advertised and sold homes designed by use of the Infringing Plans and, upon information and belief, continue to offer such designs for sale.

16. Based on the actions of Defendants in using Infringing Plans to design homes and in continuing to use or to sell homes that used the Infringing Plans, Centex is entitled to permanent injunctive relief barring Defendants from advertising, distributing, selling or offering to sell homes designed by use of their Infringing Plans. Centex is also entitled to recover actual damages and any additional profits of Defendants in the sale of the Infringing Plans, or statutory damages for Infringing Plans that are copies or substantially similar to the 2002 Centex Works and enhanced statutory damages for Defendants' willful infringement of the 2002 Centex Works, as well as impoundment of the Infringing Plans. Further, Centex is entitled to recover attorney's fees.

WHEREFORE, Plaintiff Centex Homes respectfully requests that after a trial on the merits, the Court find in favor of Centex Homes, permanently enjoin Cheldan Homes from further use of the Infringing Plans, and award Centex its actual or statutory damages and

enhanced statutory damages as requested, attorney's fees as the prevailing party, pre- and post judgment interest as provided for by law, and costs of Court.

Respectfully submitted,



Molly Buck Richard
molly@richardlawgroup.com
Texas Bar No. 16842800
Elizann Carroll
Elizann@richardlawgroup.com
Texas Bar No. 00787209
RICHARD LAW GROUP, INC.
8411 Preston Road, Suite 890
Dallas, TX 75225
(214) 206-4300 (phone)
(214) 206-4330 (fax)

Counsel for Plaintiff Centex Homes

Certificate of Registration



This Certificate issued under the seal of the Copyright Office in accordance with title 17, United States Code, attests that registration has been made for the work identified below. The information on this certificate has been made a part of the Copyright Office records.

Marybeth Peters

Register of Copyrights, United States of America

FORM VA
For a Work of the Visual Arts

VAu611-090



EFFECTIVE DATE OF REGISTRATION

FEB 03 2004

Month Day Year

DO NOT WRITE ABOVE THIS LINE IF YOU NEED MORE SPACE, USE A SEPARATE CONTINUATION SHEET

1

Title of This Work

CTX002700

NATURE OF THIS WORK See Instructions

Architectural WORK

Previous or Alternative Title

Publication as a Contribution If this work was published as a contribution to a periodical, serial, or collection, give information about the collective work in which the contribution appeared. Title of Collective Work

If published in a periodical or serial give Volume Number Issue Date On Page

2

NAME OF AUTHOR

a CENTEX HOMES

DATES OF BIRTH AND DEATH
Year Born Year Died

Was this contribution to the work a "work made for hire"?
☒ Yes
☐ No

Author's Nationality or Domicile
Name of Country
OR
Citizen of United States
Domiciled in

Was This Author's Contribution to the Work
Anonymous? ☐ Yes ☒ No
Pseudonymous? ☐ Yes ☒ No
If the answer to either of these questions is "Yes," see detailed instructions.

Nature of Authorship Check appropriate box(es). See Instructions

☐ 3-Dimensional sculpture ☐ Map ☐ Technical drawing
☐ 2-Dimensional artwork ☐ Photograph ☐ Text
☐ Reproduction of work of art ☐ Jewelry design ☒ Architectural work

Name of Author

Dates of Birth and Death
Year Born Year Died

Was this contribution to the work a "work made for hire"?
☐ Yes
☒ No

Author's Nationality or Domicile
Name of Country
OR
Citizen of
Domiciled in

Was This Author's Contribution to the Work
Anonymous? ☐ Yes ☒ No
Pseudonymous? ☐ Yes ☒ No
If the answer to either of these questions is "Yes," see detailed instructions.

Nature of Authorship Check appropriate box(es). See Instructions

☐ 3-Dimensional sculpture ☐ Map ☐ Technical drawing
☐ 2-Dimensional artwork ☐ Photograph ☐ Text
☐ Reproduction of work of art ☐ Jewelry design ☒ Architectural work

3

a Year in Which Creation of This Work Was Completed

2002

This information must be given in all cases.

b Date and Nation of First Publication of This Particular Work

Complete this information ONLY if this work has been published. Month Day Year

4

COPYRIGHT CLAIMANT(S) Name and address must be given even if the claimant is the same as the author given in space 2.

Centex Homes
2728 N Harwood Dallas, TX 75201

Transfer If the claimant(s) named here in space 4 is (are) different from the author(s) named in space 2, give a brief statement of how the claimant(s) obtained ownership of the copyright.

APPLICATION RECEIVED

FEB 3 2004
ONE DEPOSIT RECEIVED
FEB 3 2004

TWO DEPOSITS RECEIVED

FUNDS RECEIVED

EXHIBIT

A-1

MORE ON BACK

Complete all applicable spaces (numbers 1-4) on the reverse side of this page.
• See detailed instructions. Sign the back of this page.

DO NOT WRITE HERE

Page 1 of _____ pages

EXAMINED BY

FORM VA

CHECKED BY

CORRESPONDENCE

Yes

FOR
COPYRIGHT
OFFICE
USE
ONLY

DO NOT WRITE ABOVE THIS LINE. IF YOU NEED MORE SPACE, USE A SEPARATE CONTINUATION SHEET

PREVIOUS REGISTRATION Has registration for this work, or for an earlier version of this work, already been made in the Copyright Office?

☐ Yes ☒ No If your answer is "Yes," why is another registration being sought? (Check appropriate box.)a. ☐ This is the first published edition of a work previously registered in unpublished form.b. ☐ This is the first application submitted by this author as copyright claimant.c. ☐ This is a changed version of the work, as shown by space 6 on this application.

If your answer is "Yes," give Previous Registration Number

Year of Registration

DERIVATIVE WORK OR COMPILATION Complete both space 6a and 6b for a derivative work, complete only 6b for a compilation.

a. **Preexisting Material** Identify any preexisting work or works that this work is based on or incorporates.b. **Material Added to This Work** Give a brief, general statement of the material that has been added to this work and in which copyright is claimed.

DEPOSIT ACCOUNT If the registration fee is to be charged to a Deposit Account established in the Copyright Office, give name and number of Account.

Name

Account Number

CORRESPONDENCE Give name and address to which correspondence about this application should be sent. Name/Address/Apt/City/State/ZIP

Shannon Daly
2728 N Harwood Dallas, TX 75201

Area code and daytime telephone number (214) 981-6742

Fax number (214) 981-6987

Email sdaly@centexhomes.com

CERTIFICATION I, the undersigned, hereby certify that I am the

check only one

☐ author☐ other copyright claimant☐ owner of exclusive right(s)☒ authorized agent of Centex Homes

(Name of author or other copyright claimant, or owner of exclusive right(s))

of the work identified in this application and that the statements made by me in this application are correct to the best of my knowledge.

Typed or printed name and date If this application gives a date of publication in space 3, do not sign and submit it before that date.

Shannon Daly

Date 12/30/2003

Handwritten signature (X)

X

Certificate
will be
mailed in
window
envelope
to this
address

Name

Kurt Gaytan

Mailing Address

2728 N Harwood

City/State/ZIP

Dallas, TX 75201

YOU MUST

• Complete all necessary spaces

• Sign your application in space 8

• SEND ALL ATTACHMENTS

IN THE SAME PACKAGE

1. Application form

2. Your fee (check fee in check or money

order payable to Register of Copyrights)

3. Deposit material

MAIL TO:

Library of Congress

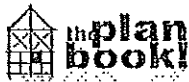
Copyright Office

101 Independence Avenue, S.E.

Washington, D.C. 20540-6000

Fee will be mailed if
enclosed fee must
have the date
typed on the
envelope in
space 8. If the
fee is not typed
on the envelope,
the Copyright
Office will not
process the
application.

Penalty for False Information: Any person who knowingly makes a false representation of a material fact in the application for copyright registration provided for by section 405, or in any written statement filed in connection with the application, shall be fined not more than \$2,500.



Single Family Submittal Form

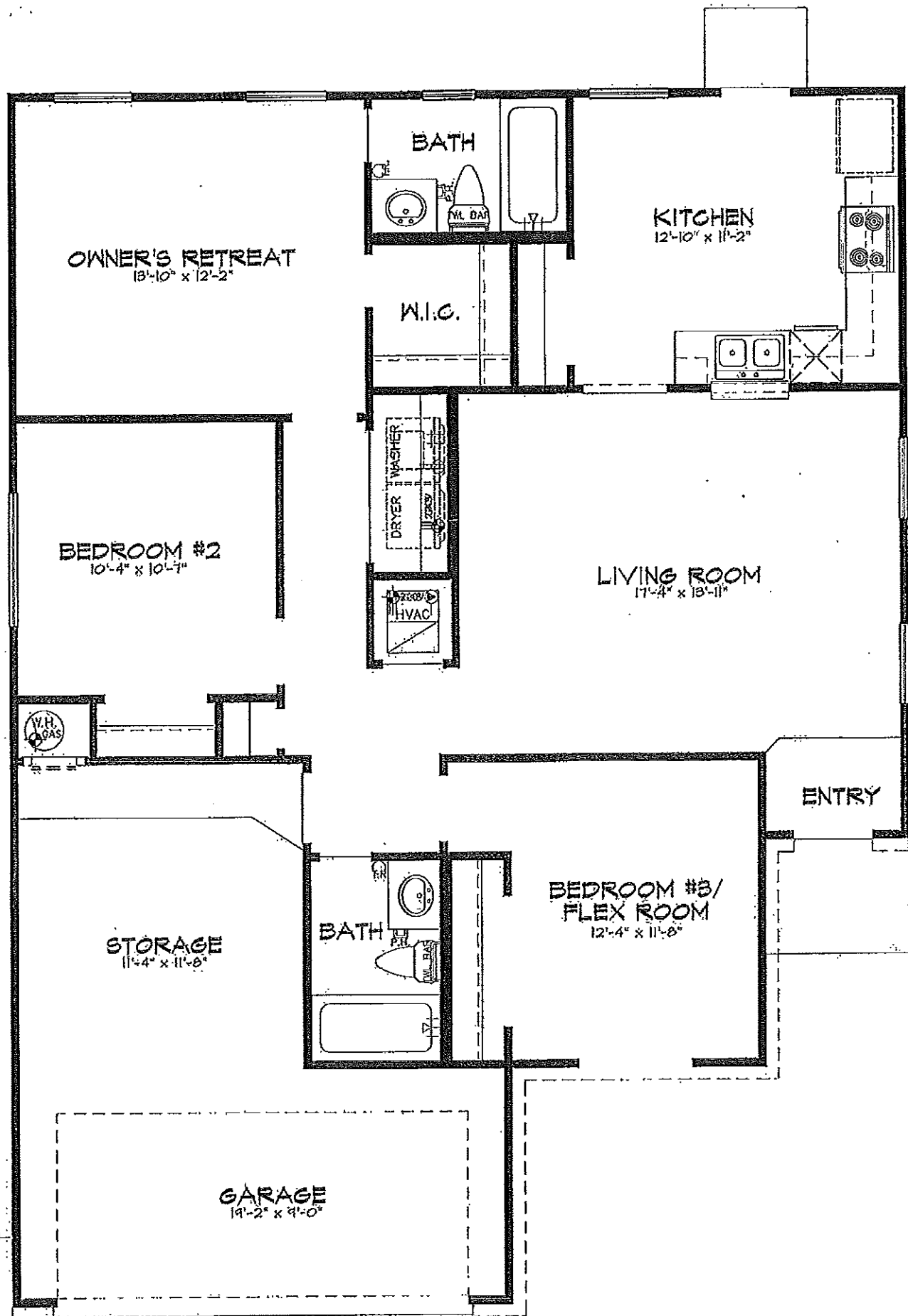
CENTEX
architecture

Details	
Design Code	CTX-02-70
Region (select one)	Mid-Atlantic
	Midwest
	Southeast
	Southwest <input checked="" type="checkbox"/>
	West Coast
	Wayne Homes
	Resorts
Division	CENTRAL TEXAS-AUSTIN
Satellite Office Name	
Plan Name	FJL2-1111 HANCOCK
Year of Plan Creation	2002
Designed By (select one)	Clay Greel
	Paul Knitter
	Norman Lei
	Steve Peake <input type="checkbox"/>
	Joë Stein
	David Wheatley <input checked="" type="checkbox"/>
	Other-In house <input checked="" type="checkbox"/>
	Other-Outsource* <input type="checkbox"/>
*If Other, enter name	BRUCE MCNEIL
Design Origin	<input checked="" type="checkbox"/> Original or <input type="checkbox"/> Derivation*
*Parent Plan's Name	
Product Line	FREEDOM
Brick and Mortar	Total B&M 47981
	Less Permilting 850
	Less Allocations 1425
	Less Model Deferred 425
	Net 45281
Top 5 Best Selling Plan	<input type="checkbox"/> YES OR <input checked="" type="checkbox"/> NO Year
Product Status	
Division Status	<input checked="" type="checkbox"/> Active or <input type="checkbox"/> Archived
Plan Status (select one)	Conceptual Design
	Design Development
	First Construction
	Working Drawings <input checked="" type="checkbox"/>
Sales Status (select one)	Brochures
	Released
	Ongoing <input checked="" type="checkbox"/>
	Archive
Drafting	
Code Book	BOCA
(select all that apply)	CABO
	IBC
	IRC <input checked="" type="checkbox"/>
	SBC
	UBC
	Other
Code Year	2000
Code Other	
Drafting Consultant	AMERICAD
Truss Engineer	CTX
Other Engineer	MLAW
CdsPl Standards	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO

Plan Book Submittal Date		22-Dec-03
Size		
Floors (select one)	1	<input checked="" type="checkbox"/>
	2	<input type="checkbox"/>
	3	<input type="checkbox"/>
Bedrooms (select one)	1	<input type="checkbox"/>
	2	<input type="checkbox"/>
	3	<input checked="" type="checkbox"/>
	4	<input type="checkbox"/>
	5	<input type="checkbox"/>
	6	<input type="checkbox"/>
Baths	1	<input type="checkbox"/>
	2	<input checked="" type="checkbox"/>
	3	<input type="checkbox"/>
	4	<input type="checkbox"/>
	5	<input type="checkbox"/>
	and 1/2	<input type="checkbox"/>
Garage Stalls (select one)	0	<input type="checkbox"/>
	1	<input checked="" type="checkbox"/>
	2	<input type="checkbox"/>
	3	<input type="checkbox"/>
	4	<input type="checkbox"/>
	5	<input type="checkbox"/>
Basement (select one)	None	<input checked="" type="checkbox"/>
	Unfinished	<input type="checkbox"/>
	Finished	<input type="checkbox"/>
Density per Acre		4-5
Width (in decimal)		34.1
Depth (in decimal)		46
Garage Access (select one)	Front	<input checked="" type="checkbox"/>
	Rear	<input type="checkbox"/>
	Slide	<input type="checkbox"/>
	Swing-In	<input type="checkbox"/>
	Courtyard	<input type="checkbox"/>
	Detached	<input type="checkbox"/>
	None	<input type="checkbox"/>
Master Bedroom (select one)	<input checked="" type="checkbox"/> DOWN	<input type="checkbox"/> UP
Square Footage		
Basement Finished Sq. Ft.		0
Floor 1 Sq. Ft.		1111
Floor 2 Sq. Ft.		0
Floor 3 Sq. Ft.		0
Total Square Footage		1111
Garage Area		308
Federal Copyright		
Already filed with FedCO	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	
If Yes, Submittal Date		
Submitted By		
Copyright Registration Date		
Copyright Registration Number		
(If No, the Centex Corporate office will file the Copyright)		

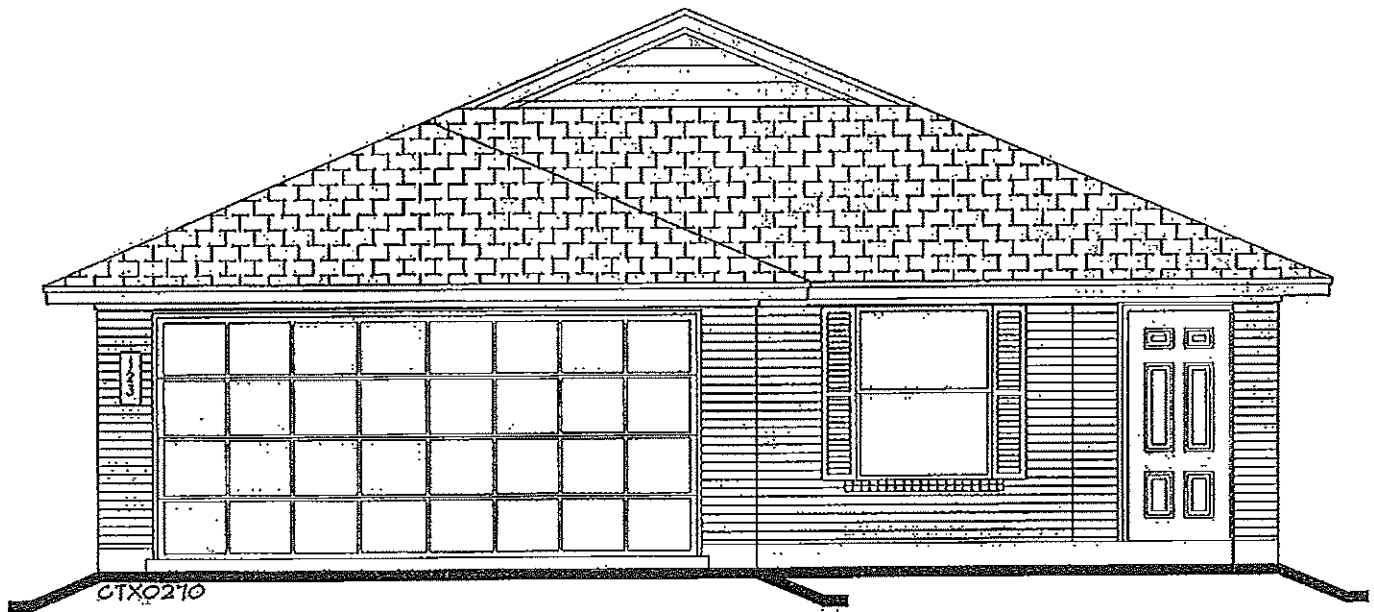
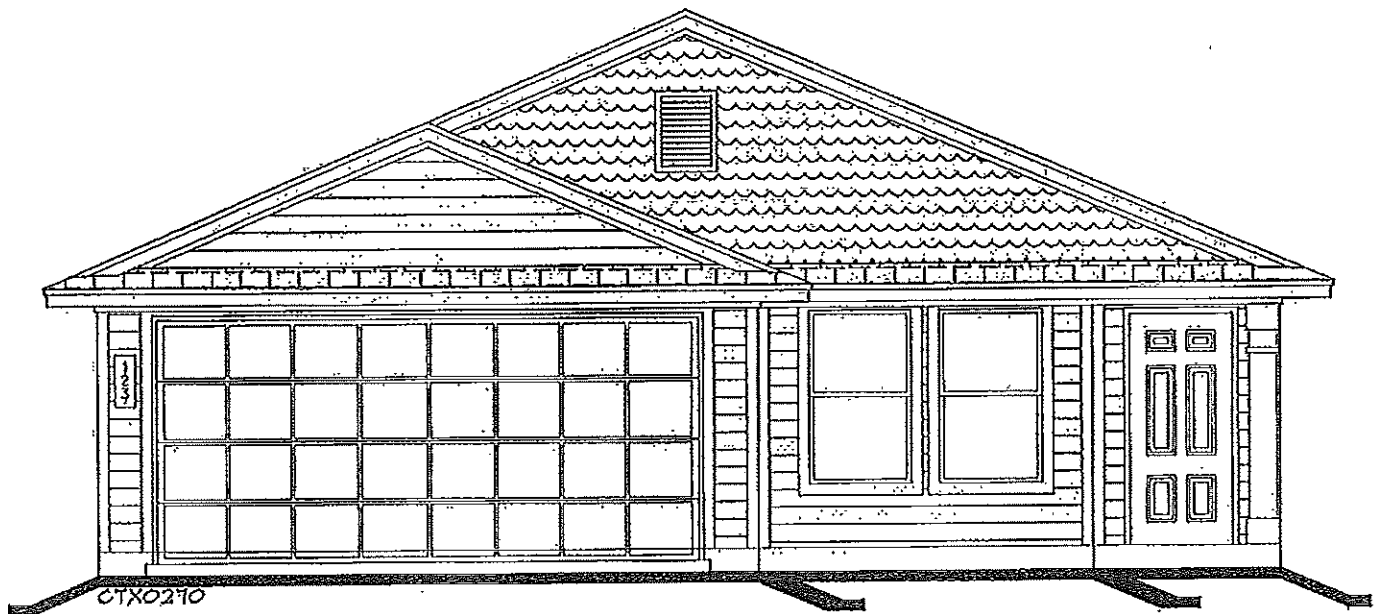
Comments and additional information
9/9/2003

Dining, Study



FLOOR PLAN

CTX0270



Certificate of Registration



This Certificate issued under the seal of the Copyright Office in accordance with title 17, United States Code, attests that registration has been made for the work identified below. The information on this certificate has been made a part of the Copyright Office records.

Marybeth Peters

Register of Copyrights, United States of America

FORM VA
For a Work of the Visual Arts
UNITED STATES COPYRIGHT OFFICE

VAU611-088



EFFECTIVE DATE OF REGISTRATION

FEB 03 2004

Month Day Year

DO NOT WRITE ABOVE THIS LINE. IF YOU NEED MORE SPACE, USE A SEPARATE CONTINUATION SHEET

1

Title of This Work

CTX 0274

NATURE OF THIS WORK See Instructions

Architectural WORK

Previous or Alternative Titles

Publication as a Contribution If this work was published as a contribution to a periodical, serial, or collection, give information about the collective work in which the contribution appeared. Title of Collective Work

If published in a periodical or serial give: Volume Number Issue Date

On Page

2

NAME OF AUTHOR

a CENTEX HOMES

DATES OF BIRTH AND DEATH
Year Born Year Died

Was this contribution to the work a "work made for hire"?

☒ Yes
☐ No

Author's Nationality or Domicile
Name of Country
OR
Citizen of United States
Domiciled in

Was This Author's Contribution to the Work

Anonymous? ☐ Yes ☒ No
Pseudonym? ☐ Yes ☒ No

If the answer to either of these questions is "Yes," see detailed instructions.

Nature of Authorship Check appropriate box(es). See Instructions

☐ 3-Dimensional sculpture ☐ Map ☐ Technical drawing
☐ 2-Dimensional artwork ☐ Photograph ☐ Text
☐ Reproduction of work of art ☐ Jewelry design ☒ Architectural work

Name of Author

Dates of Birth and Death
Year Born Year Died

Was this contribution to the work a "work made for hire"?

☐ Yes
☒ No

Author's Nationality or Domicile
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OR
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☐ 2-Dimensional artwork ☐ Photograph ☐ Text
☐ Reproduction of work of art ☐ Jewelry design ☐ Architectural work

3

Year in Which Creation of This Work Was Completed

2002

This information must be given in all cases.

Date and Nation of First Publication of This Particular Work

Complete this information ONLY if this work has been published.

Month Day Year Nation

4

COPYRIGHT CLAIMANT(S) Name and address must be given even if the claimant is the same as the author given in space 2.

Centex Homes
2728 N Harwood Dallas, TX 75201

Transfer If the claimant(s) named here in space 4 is (are) different from the author(s) named in space 2, give a brief statement of how the claimant(s) obtained ownership of the copyright.

APPLICATION RECEIVED

FEB - 3 2004

ONE DEPOSIT RECEIVED

FEB - 3 2004

TWO DEPOSITS RECEIVED

FUNDS RECEIVED

EXHIBIT

A-2

MORE ON BACK

Complete all applicable spaces (numbers 1-5) on the reverse side of this page. See detailed instructions. Sign the form at the bottom.

DO NOT WRITE HERE

Page 1 of 1 Page 2

EXAMINED BY OK FORM VACHECKED BY DMH☐ CORRESPONDENCE
YesFOR
COPYRIGHT
OFFICE
USE
ONLY

DO NOT WRITE ABOVE THIS LINE. IF YOU NEED MORE SPACE, USE A SEPARATE CONTINUATION SHEET

PREVIOUS REGISTRATION Has registration for this work, or for an earlier version of this work, already been made in the Copyright Office?

☐ Yes ☒ No If your answer is "Yes," why is another registration being sought? (Check appropriate box.)a. ☐ This is the first published edition of a work previously registered in unpublished form.b. ☐ This is the first application submitted by this author as copyright claimant.c. ☐ This is a changed version of the work, as shown by space 6 on this application.

If your answer is "Yes," give Previous Registration Number

Year of Registration

DERIVATIVE WORK OR COMPILATION Complete both spaces 6a and 6b for a derivative work; complete only 6a for a compilation.

a. Preexisting Material Identify any preexisting work or works that this work is based on or incorporates.

b. Material Added to This Work Give a brief, general statement of the material that has been added to this work and in which copyright is claimed.

DEPOSIT ACCOUNT If the registration fee is to be charged to a Deposit Account established in the Copyright Office, give name and number of Account.
Name Account Number

CORRESPONDENCE Give name and address to which correspondence about this application should be sent. Name/Address/Apt/City/State/ZIP

Shannon Daly
2728 N Harwood Dallas, TX 75201

Area code and daytime telephone number (214) 981-6742

Fax number (214) 981-6987

Email sdaly@centexhomes.com

CERTIFICATION I, the undersigned, hereby certify that I am the

check only one

- ☐ author
☐ other copyright claimant
☐ owner of exclusive right(s)
☒ authorized agent of Centex Homes

Name of author or other copyright claimant, or owner of exclusive right(s)

of the work identified in this application and that the statements made by me in this application are correct to the best of my knowledge.

Typed or printed name and date If this application gives a date of publication in space 3, do not sign and submit it before that date.

Shannon Daly

Date 12/30/2003

Handwritten signature (X)

X

Certificate
will be
mailed in
window
envelope
to this
address

Name

Kim Gaytan

Name/Street/Apt

2728 N Harwood

City/State/ZIP

Dallas, TX 75201

YOU MUST:

Complete all necessary spaces
Sign your application in space 8

SEND ALL ITEMS IN THE SAME PACKAGE:

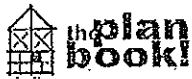
1. Copyright form
2. Non-refundable filing fee in check or money order payable to Register of Copyrights
3. Deposit material

MAIL TO:

Library of Congress
Copyright Office
101 Independence Avenue, S.E.
Washington, D.C. 20540-6009

Free by mail to:
Copyright Office
101 Independence Avenue, S.E.
Washington, D.C. 20540-6009

17 U.S.C. § 205(a) Any person who knowingly makes a false representation of a material fact in this application for copyright registration provided for by Section 408, or in any written statement filed in connection with the application, shall be fined not more than \$2,000.



Single Family Submittal Form

CENTEX
architecture

Details:	
Design Code	OTX-02-74
Region (select one)	Mid-Atlantic
	Midwest
	Southeast
	Southwest <input checked="" type="checkbox"/>
	West Coast
	Wayne Homes
	Resorts
Division	CENTRAL TEXAS-AUSTIN
Satellite Office Name	
Plan Name	FJL2-1561 HAMILTON
Year of Plan Creation	2002
Designed By (select one)	Clay Creel
	Paul Knitter
	Norman Le
	Steve Peake <input type="checkbox"/>
	Joe Stein
	David Wheatley <input type="checkbox"/>
	Other-In house <input checked="" type="checkbox"/>
	Other-Outsource*
	BRUCE MCNEIL
*If Other, enter name	
Design Origin	<input checked="" type="checkbox"/> Original or <input type="checkbox"/> Derivation*
*Parent Plan's Name	
Product Line	FREEDOM
Brick and Mortar	Total B&M 65153
	Less Permitting 850
	Less Allocations 1425
	Less Model Deferred 425
	Net 62453
Top 5 Best Selling Plan	<input type="checkbox"/> YES OR <input checked="" type="checkbox"/> NO Year
Product Status	
Division Status	<input checked="" type="checkbox"/> Active or <input type="checkbox"/> Archived
Plan Status (select one)	Conceptual Design
	Design Development
	First Construction
	Working Drawings <input checked="" type="checkbox"/>
Sales Status (select one)	Brochures
	Released
	Ongoing <input checked="" type="checkbox"/>
	Archive
Drafting	
Code Book	BOCA <input type="checkbox"/>
(select all that apply)	OABO <input type="checkbox"/>
	IBC <input type="checkbox"/>
	IRC <input checked="" type="checkbox"/>
	SBC <input type="checkbox"/>
	UBC <input type="checkbox"/>
	Other
Code Year	2000
Code Other	
Drafting Consultant	AMERICAD
Truss Engineer	OTX
Other Engineer	MLAW
CdsPt Standards	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO

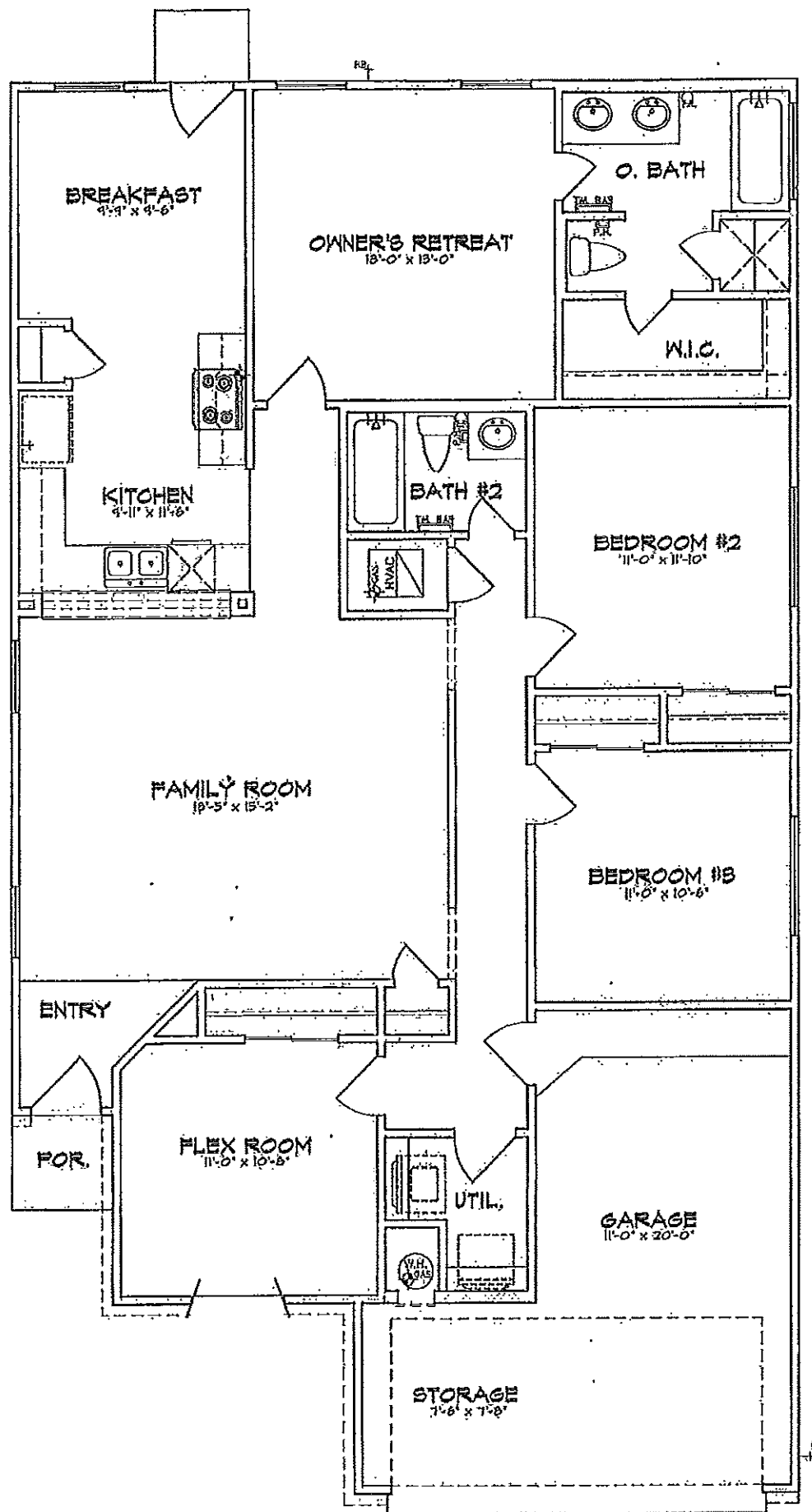
Plan Book Submittal Date

22-Dec-03

Size	
Floors (select one)	1 <input checked="" type="checkbox"/>
	2 <input type="checkbox"/>
	3 <input type="checkbox"/>
Bedrooms (select one)	1 <input type="checkbox"/>
	2 <input type="checkbox"/>
	3 <input type="checkbox"/>
	4 <input checked="" type="checkbox"/>
	5 <input type="checkbox"/>
	6 <input type="checkbox"/>
Baths	1 <input type="checkbox"/>
	2 <input checked="" type="checkbox"/>
	3 <input type="checkbox"/>
	4 <input type="checkbox"/>
	5 <input type="checkbox"/>
	and 1/2 <input type="checkbox"/>
Garage Stalls (select one)	0 <input type="checkbox"/>
	1 <input checked="" type="checkbox"/>
	2 <input type="checkbox"/>
	3 <input type="checkbox"/>
	4 <input type="checkbox"/>
	5 <input type="checkbox"/>
Basement (select one)	None <input checked="" type="checkbox"/>
	Unfinished
	Finished
Density per Acre	4-5
Width (in decimal)	33.1
Depth (in decimal)	59.4
Garage Access (select one)	Front <input checked="" type="checkbox"/>
	Rear
	Side <input type="checkbox"/>
	Swing-In
	Courtyard
	Detached
	None
Master Bedroom (select one)	<input checked="" type="checkbox"/> DOWN <input type="checkbox"/> UP
Square Footage	
Basement Finished Sq. Ft.	0
Floor 1 Sq. Ft.	1561
Floor 2 Sq. Ft.	0
Floor 3 Sq. Ft.	0
Total Square Footage	1561
Garage Area	293
Federal Copyright	
Already filed with FedCO	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO
If Yes, Submittal Date	
Submitted By	
Copyright Registration Date	
Copyright Registration Number	
(If No, the Centex Corporate office will file the Copyright)	

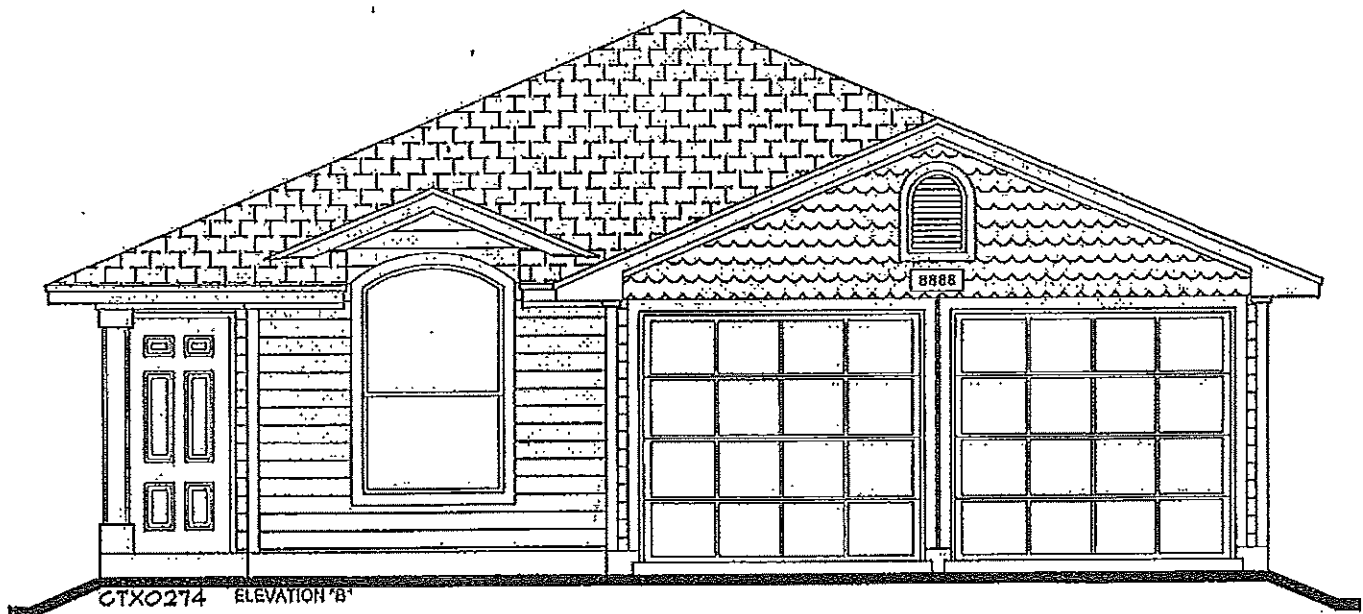
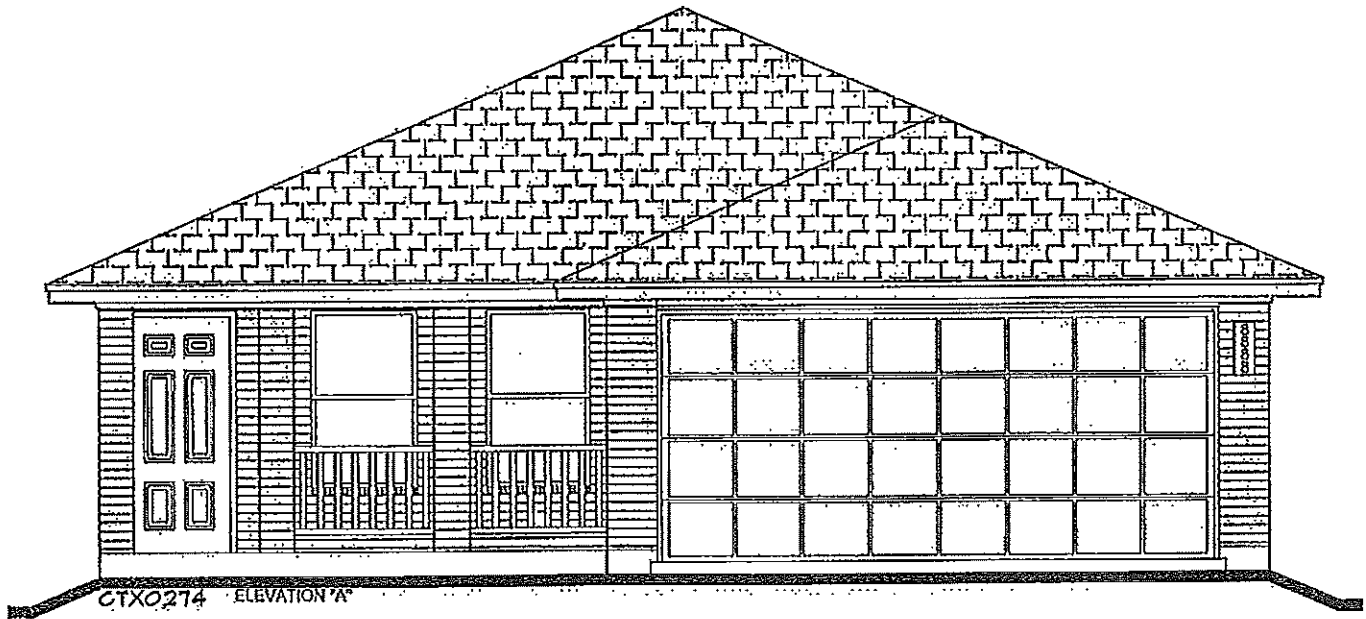
Comments and additional information
9/9/2003

Drawing, Study

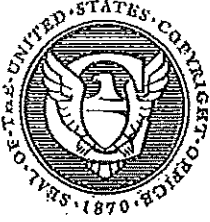


FLOOR PLAN

CTX0274



Certificate of Registration



This Certificate issued under the seal of the Copyright Office in accordance with title 17, United States Code, attests that registration has been made for the work identified below. The information on this certificate has been made a part of the Copyright Office records.

Marybeth Peters

Register of Copyrights, United States of America

FORM VA
For a Work of the Visual Arts
UNITED STATES COPYRIGHT OFFICE

VAu631-585



By the United States Copyright Office

7-26-07
Month Day Year

DO NOT WRITE ABOVE THIS LINE. IF YOU NEED MORE SPACE, USE A SEPARATE CONTINUATION SHEET

1

Title of This Work ∇

NATURE OF THIS WORK ∇ See Instructions

CTX 013015

Architectural Work

Previous or Alternative Title ∇

Publication as a Contribution: If this work was published as a contribution to a periodical, serial, or collection, give information about the collective work in which the contribution appeared. Title of Collective Work ∇

If published in a periodical or serial give: Volume ∇

Number ∇

Issue Date ∇

On Pages ∇

2

NOTE

Under the law the "author" of a "work made for hire" is generally the employer, not the employee (see instructions). For any part of this work that was "made for hire" check "Yes" in the space provided, give the employer (or other person for whom the work was prepared) as "Author" of this part, and leave the space for dates of birth and death blank.

NAME OF AUTHOR ∇

a Centex Homes

DATE OF BIRTH AND DEATH
Year Born ∇ Year Died ∇

Was this contribution to the work a "work made for hire"?
☒ Yes
☐ No

Author's Nationality or Reside
Name of Country
OR
Citizen of United States
Domiciled in _____

Was This Author's Contribution to the Work
Anonymous? ☐ Yes ☒ No
Pseudonymous? ☐ Yes ☒ No
If the answer to either of these questions is "Yes," see detailed instructions.

Nature of Authorship Check appropriate box(es). See Instructions

☐ 3-Dimensional sculpture ☐ Map ☐ Technical drawing
☐ 2-Dimensional artwork ☐ Photograph ☐ Text
☐ Reproduction of work of art ☐ Jewelry design ☒ Architectural work

Name of Author ∇

Date of Birth and Death
Year Born ∇ Year Died ∇

Was this contribution to the work a "work made for hire"?
☐ Yes
☒ No

Author's Nationality or Reside
Name of Country
OR
Citizen of _____
Domiciled in _____

Was This Author's Contribution to the Work
Anonymous? ☐ Yes ☒ No
Pseudonymous? ☐ Yes ☒ No
If the answer to either of these questions is "Yes," see detailed instructions.

Nature of Authorship Check appropriate box(es). See Instructions

☐ 3-Dimensional sculpture ☐ Map ☐ Technical drawing
☐ 2-Dimensional artwork ☐ Photograph ☐ Text
☐ Reproduction of work of art ☐ Jewelry design ☐ Architectural work

3

a Year in Which Creation of This Work Was Completed
2003

This information must be given in all cases.

b Date and Nation of First Publication of This Particular Work
Complete this information only if the work has been published.
Month _____ Day _____ Year _____

4

See instructions before completing this space.

COPYRIGHT CLAIMANT(S) Name and address must be given even if the claimant is the same as the author given in space 2. ∇

Centex Homes
2728 N Harwood Dallas, TX 75201

Transfer: If the claimant(s) named here in space 4 is (are) different from the author(s) named in space 2, give a brief statement of how the claimant(s) obtained ownership of the copyright. ∇

APPLICATION RECEIVED

ONE DEPOSIT RECEIVED

TWO DEPOSITS RECEIVED

FUNDS RECEIVED

EXHIBIT

A-3

MORE ON BACK ∇

Complete all applicable spaces (numbers 1-5) on the reverse side of this page. See detailed instructions. Sign the top of this B.

DO NOT WRITE HERE
Page 1 of 2 pages

EXAMINED BY	FORM VA
CHECKED BY	
<input type="checkbox"/> CORRESPONDENCE	FOR
Yes	COPYRIGHT
	OFFICE
	USE
	ONLY

DO NOT WRITE ABOVE THIS LINE. IF YOU NEED MORE SPACE, USE A SEPARATE CONTINUATION SHEET

PREVIOUS REGISTRATION Has registration for this work, or for an earlier version of this work, already been made in the Copyright Office?☐ Yes ☐ No If your answer is "Yes," why is another registration being sought? (Check appropriate box.)a. ☐ This is the first published edition of a work previously registered in unpublished form.b. ☐ This is the first application submitted by this author as copyright claimant.c. ☐ This is a changed version of the work, as shown by space 6 on this application.

If your answer is "Yes," give Previous Registration Number

Year of Registration

DERIVATIVE WORK OR COMPILATION Complete both space 6a and 6b for a derivative work; complete only 6b for a compilation.

a. Preexisting Material Identify any preexisting work or works that this work is based on or incorporates.

b. Material Added to This Work Give a brief, general statement of the material that has been added to this work and in which copyright is claimed.

DEPOSIT ACCOUNT If the registration fee is to be charged to a Deposit Account established in the Copyright Office, give name and number of Account.

Name

Account Number

CORRESPONDENCE Give name and address to which correspondence about this application should be sent. Name/Address/Apt./City/State/ZIPKim Gaytan
2728 N Harwood Dallas TX 75201

Area code and daytime telephone number (214) 981-5264

Fax number (214) 981-6987

Email kgaytan@centexhomes.com

CERTIFICATION I, the undersigned, hereby certify that I am the

check only one

☐ author☐ other copyright claimant☐ owner of exclusive right(s)☒ authorized agent of Centex Homes

Name of author or other copyright claimant, or owner of exclusive right(s)

of the work identified in this application and that the statements made by me in this application are correct to the best of my knowledge.

Typed or printed name and date If this application gives a date of publication in space 3, do not sign and submit it before that date.

Shannon Daly

Date

7/19/2007

Handwritten signature (X)

x Shannon Daly

Certificate
will be
mailed in
window
envelope
to this
address

Name

Kim Gaytan

Home/Work/Cell

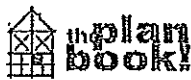
2728 N Harwood

City/State/ZIP

Dallas, TX 75201

Complete all necessary steps
Sign your application in space 81. Application form
2. Nonrefundable filing fee in check or money
order payable to Register of Copyrights
3. Deposit materialLibrary of Congress
Copyright Office
101 Independence Avenue, S.E.
Washington, D.C. 20540-8000This fee is subject to
change. For current
fee, visit the
Copyright Office
website at
www.copyright.gov
or call the Copyright
Office, at toll
free 1-877-929-8229.

17 U.S.C. § 506(c): Any person who knowingly makes a false representation of a material fact in the application for copyright registration provided for by section 408, or in any written statement filed in connection with the application, shall be fined not more than \$2,500.



Single Family Submittal Form

CENTEX
architecture

Details	
Design Code	CTX-03-05
Region (select one)	Mid-Atlantic
	Midwest
	Southeast
	Southwest <input checked="" type="checkbox"/>
	West Coast
	Wayne Homes
	Resorts
Division	CENTRAL TEXAS - AUSTIN
Satellite Office Name	
Plan Name	FJL-2043 TRIUMPH
Year of Plan Creation	2003
Designed By (select one)	Clay Creel
	Paul Knitter
	Norman Lei
	Steve Peake <input type="checkbox"/>
	Joe Stein
	David Wheatley <input type="checkbox"/>
	Other-In house <input checked="" type="checkbox"/>
	Other-Outsource* <input type="checkbox"/>
If Other, enter name	ROLAND TORRES
Design Origin	<input type="checkbox"/> Original or <input checked="" type="checkbox"/> Derivation*
Parent Plan's Name	P40-2043
Product Line	SIERRA
Brick and Mortar	Total B&M
	Less Permitting
	Less Allocations
	Less Model Deferred
	Net
Top 5 Best Selling Plan	<input type="checkbox"/> YES OR <input checked="" type="checkbox"/> NO Year
Product Status	
Division Status	<input checked="" type="checkbox"/> Active or <input type="checkbox"/> Archived
Plan Status (select one)	Conceptual Design
	Design Development
	First Construction
	Working Drawings <input checked="" type="checkbox"/>
Sales Status (select one)	Brochures
	Released
	Ongoing <input checked="" type="checkbox"/>
	Archive
Drafting	
Code Book	BOCA <input type="checkbox"/>
(select all that apply)	CABO <input checked="" type="checkbox"/>
	IBC <input type="checkbox"/>
	IRC <input checked="" type="checkbox"/>
	SBC <input type="checkbox"/>
	UBC <input type="checkbox"/>
	Other
Code Year	2003
Code Other	
Drafting Consultant	SAN ANTONIO OFFICE
Truss Engineer	CTX
Other Engineer	MLAW
CdsPt Standards	<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO

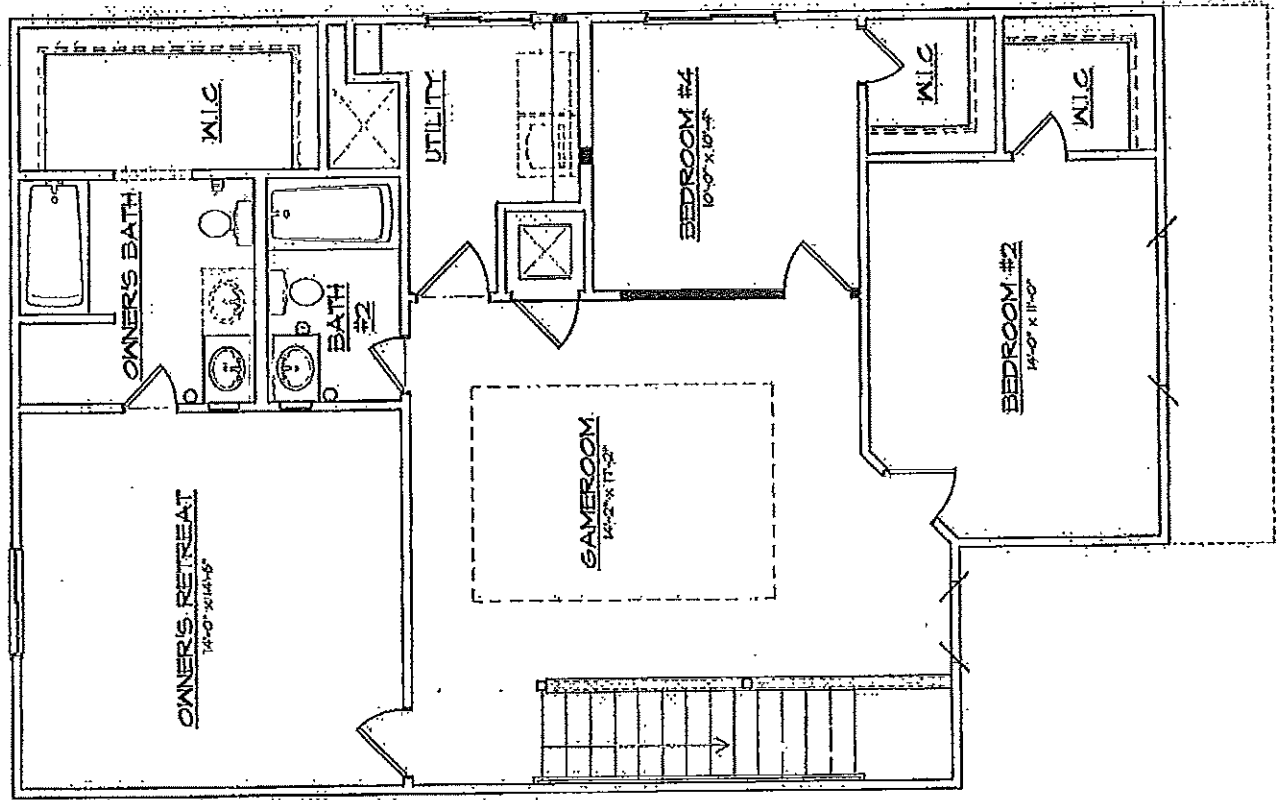
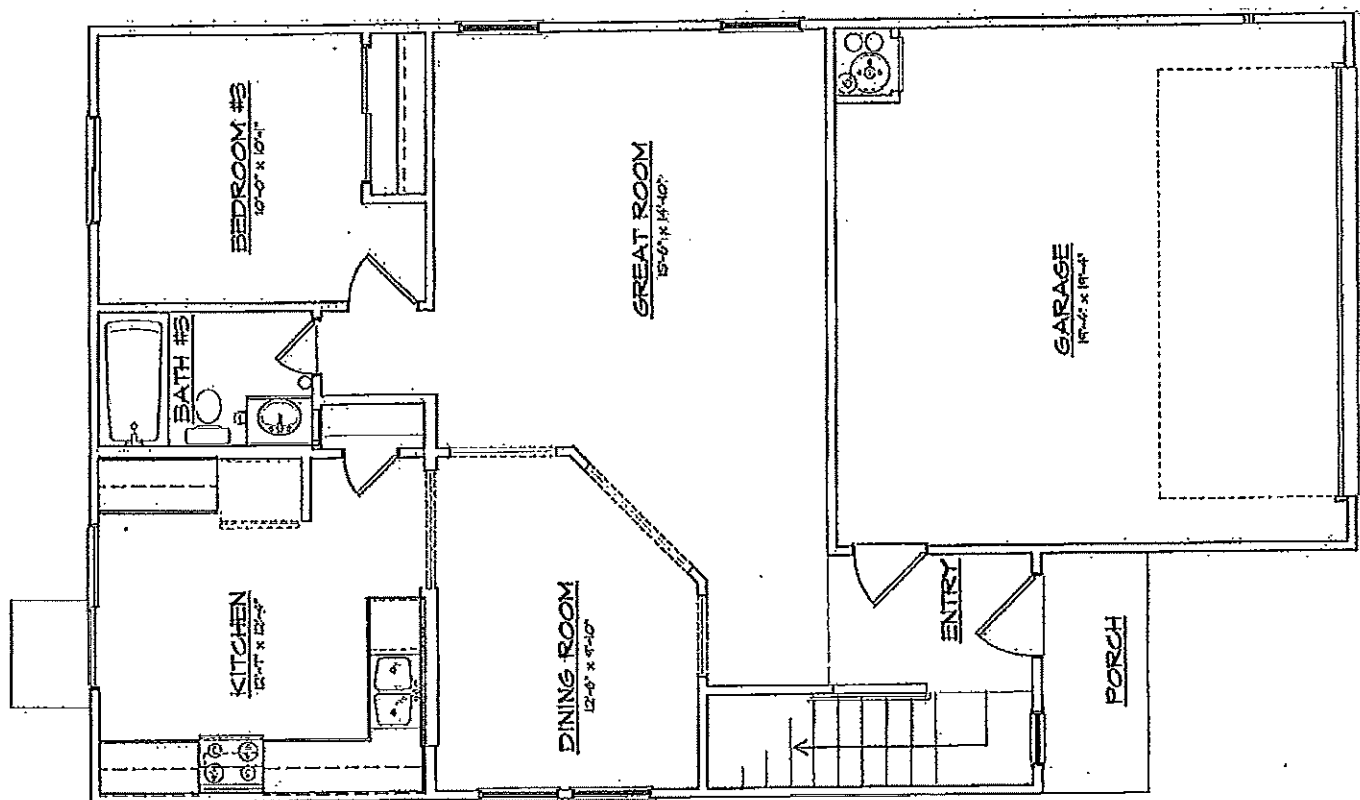
Plan Book Submittal Date

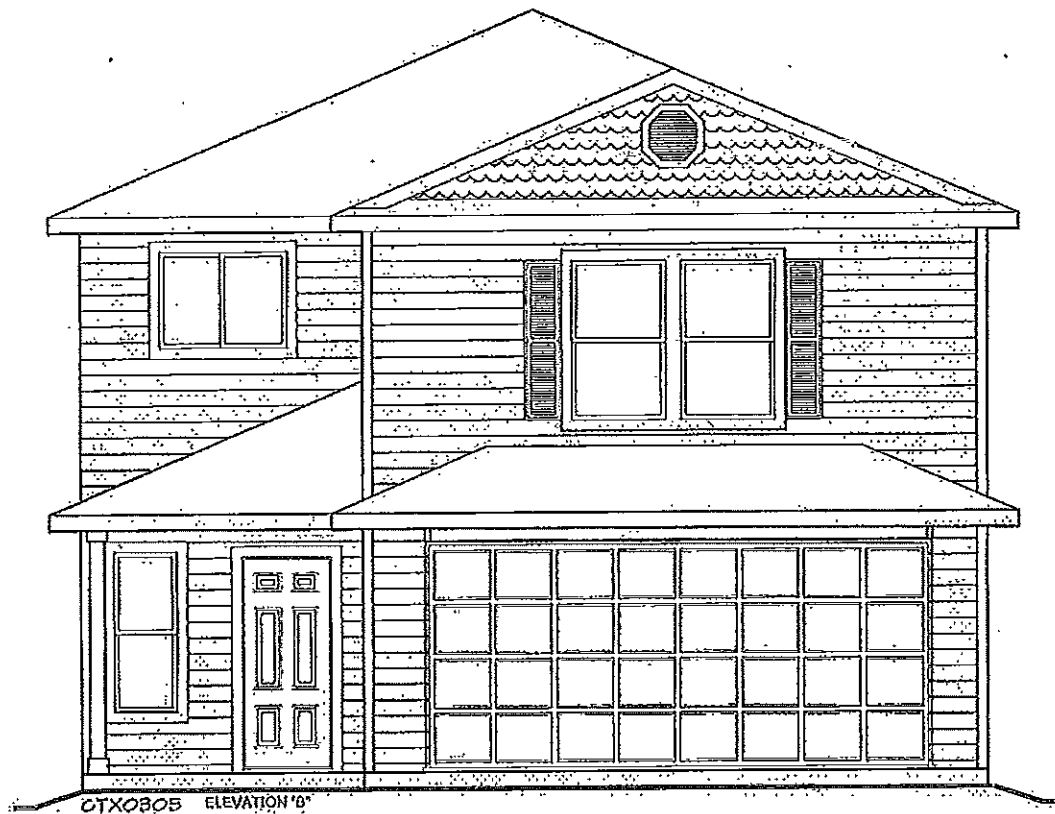
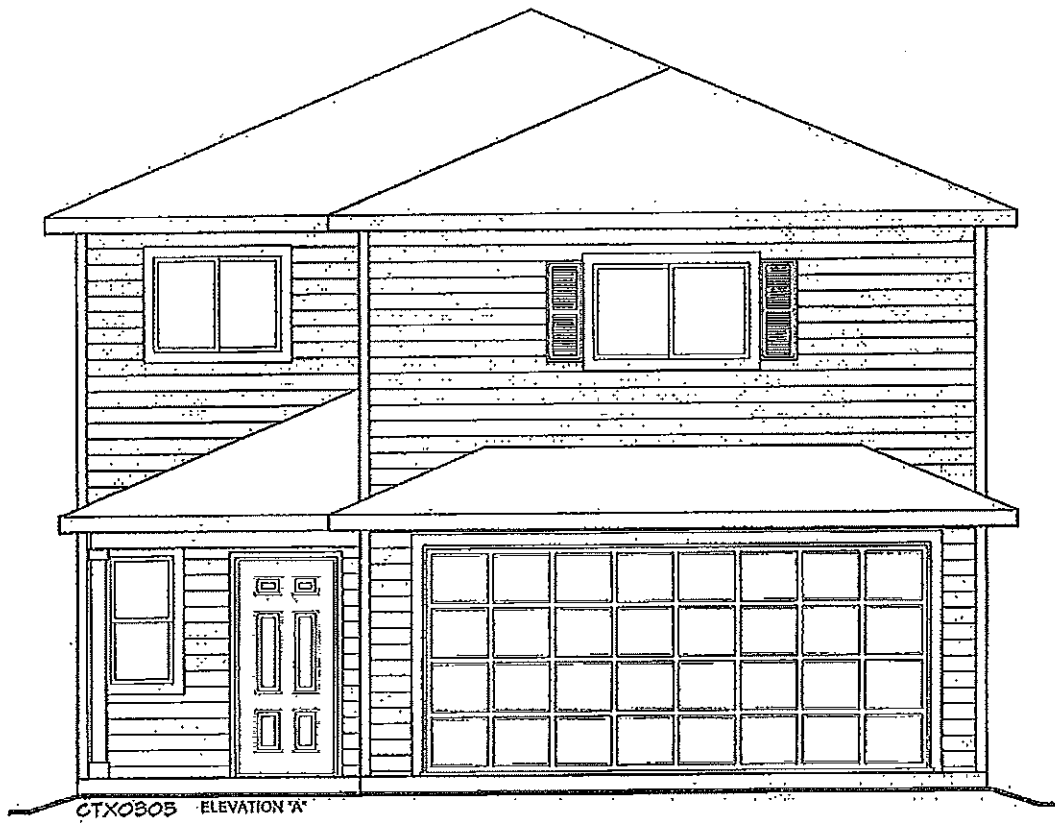
7/14/04

Size	
Floors (select one)	1 <input type="checkbox"/>
	2 <input checked="" type="checkbox"/>
	3 <input type="checkbox"/>
Bedrooms (select one)	1 <input type="checkbox"/>
	2 <input type="checkbox"/>
	3 <input type="checkbox"/>
	4 <input checked="" type="checkbox"/>
	5 <input type="checkbox"/>
	6 <input type="checkbox"/>
Baths	1 <input type="checkbox"/>
	2 <input type="checkbox"/>
	3 <input checked="" type="checkbox"/>
	4 <input type="checkbox"/>
	5 <input type="checkbox"/>
	and 1/2 <input type="checkbox"/>
Garage Stalls (select one)	0 <input type="checkbox"/>
	1 <input type="checkbox"/>
	2 <input checked="" type="checkbox"/>
	3 <input type="checkbox"/>
	4 <input type="checkbox"/>
	5 <input type="checkbox"/>
Basement (select one)	None <input checked="" type="checkbox"/>
	Unfinished
	Finished
Density per Acre	4.5
Width (in decimal)	29
Depth (in decimal)	48
Garage Access (select one)	Front <input checked="" type="checkbox"/>
	Rear <input type="checkbox"/>
	Side <input type="checkbox"/>
	Swing-In
	Courtyard
	Detached
	None
Master Bedroom (select one)	<input type="checkbox"/> DOWN <input checked="" type="checkbox"/> UP
Square Footage	
Basement Finished Sq. Ft.	0
Floor 1 Sq. Ft.	800
Floor 2 Sq. Ft.	1150
Floor 3 Sq. Ft.	0
Total Square Footage	2043
Garage Area	400
Federal Copyright	
Already filed with FedCO	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO
If Yes, Submittal Date	
Submitted By	
Copyright Registration Date	
Copyright Registration Number	
(If No, the Centex Corporate office will file the Copyright)	

Comments and additional information

8/9/2003





Certificate of Registration



This Certificate issued under the seal of the Copyright Office in accordance with title 17, United States Code, attests that registration has been made for the work identified below. The information on this certificate has been made a part of the Copyright Office records.

Marybeth Peters

Register of Copyrights, United States of America

Registration Number:

VAu 978-729

Effective date of
registration:

January 15, 2009

Title _____

Title of Work: CTX0509

Completion/ Publication _____

Year of Completion: 2005

Author _____

Author: Centex Homes

Author Created: architectural work

Work made for hire: Yes

Citizen of: United States

Domesticated in: United States

Copyright claimant _____

Copyright Claimant: Centex

2728 North Harwood St., Dallas, TX, 75201

Rights and Permissions _____

Organization Name: Centex

Name: To whom it may concern

Address: 2728 North Harwood St.

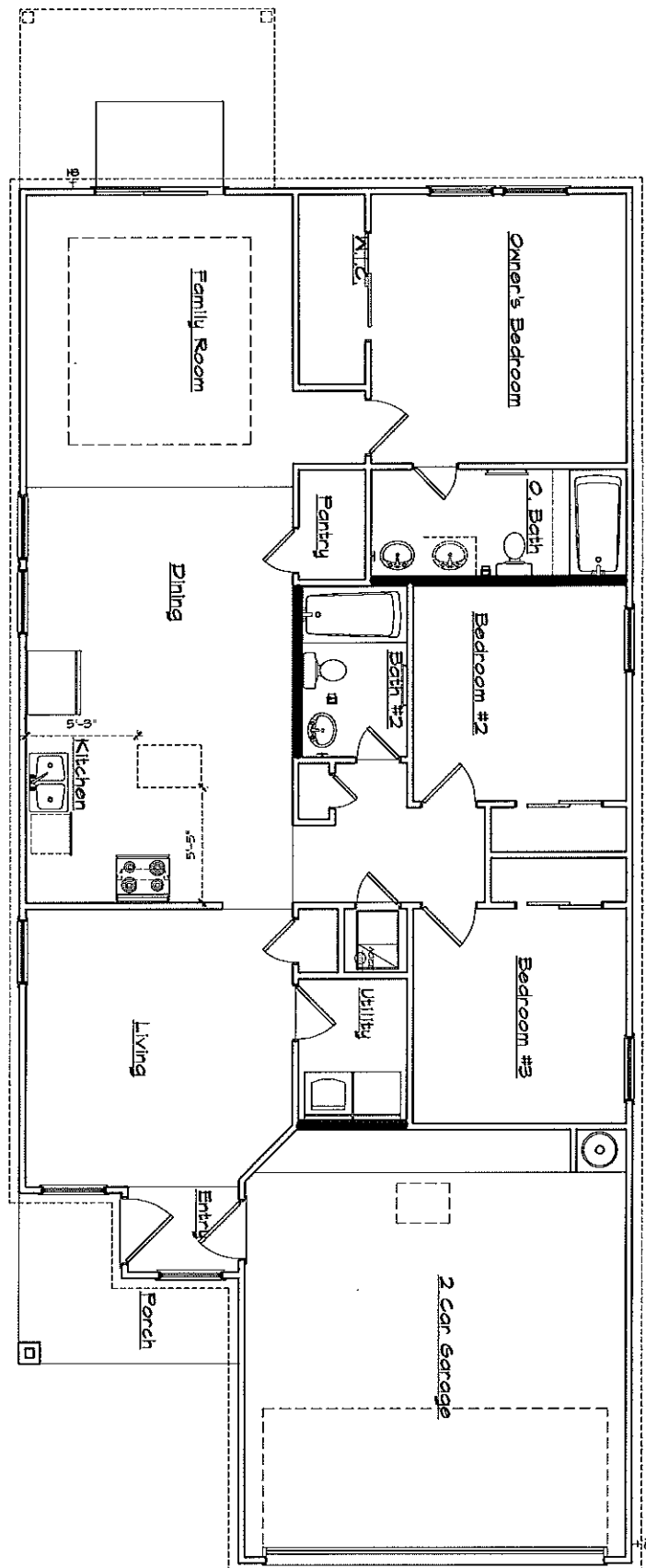
Dallas, TX 75201 United States

Certification _____

Name: Qasim Ludy

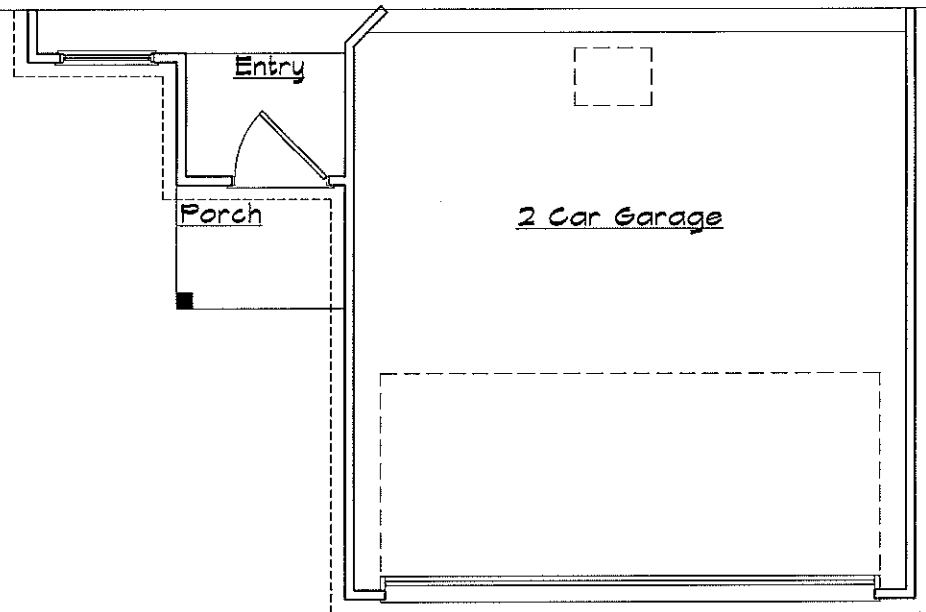
Date: January 15, 2009



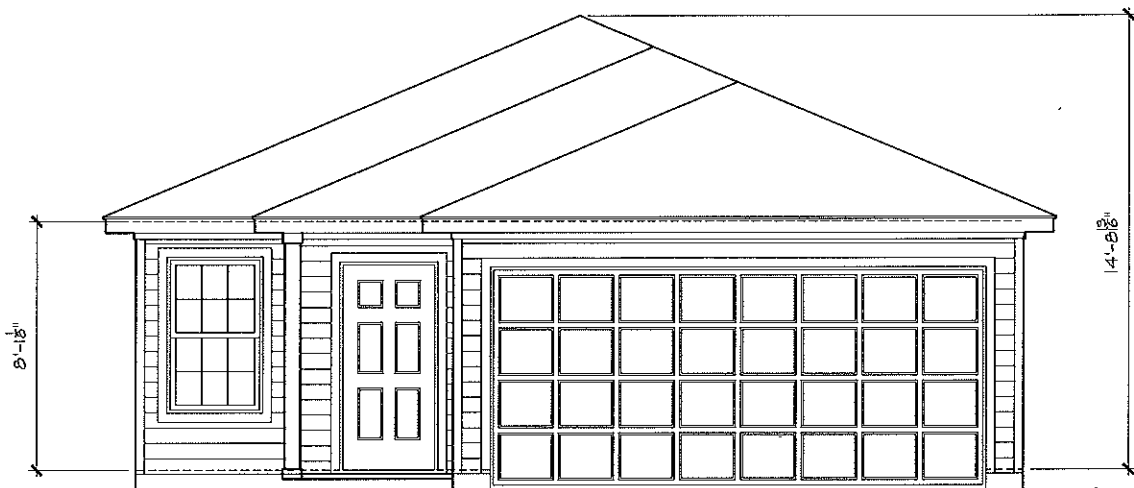


Floor Plan

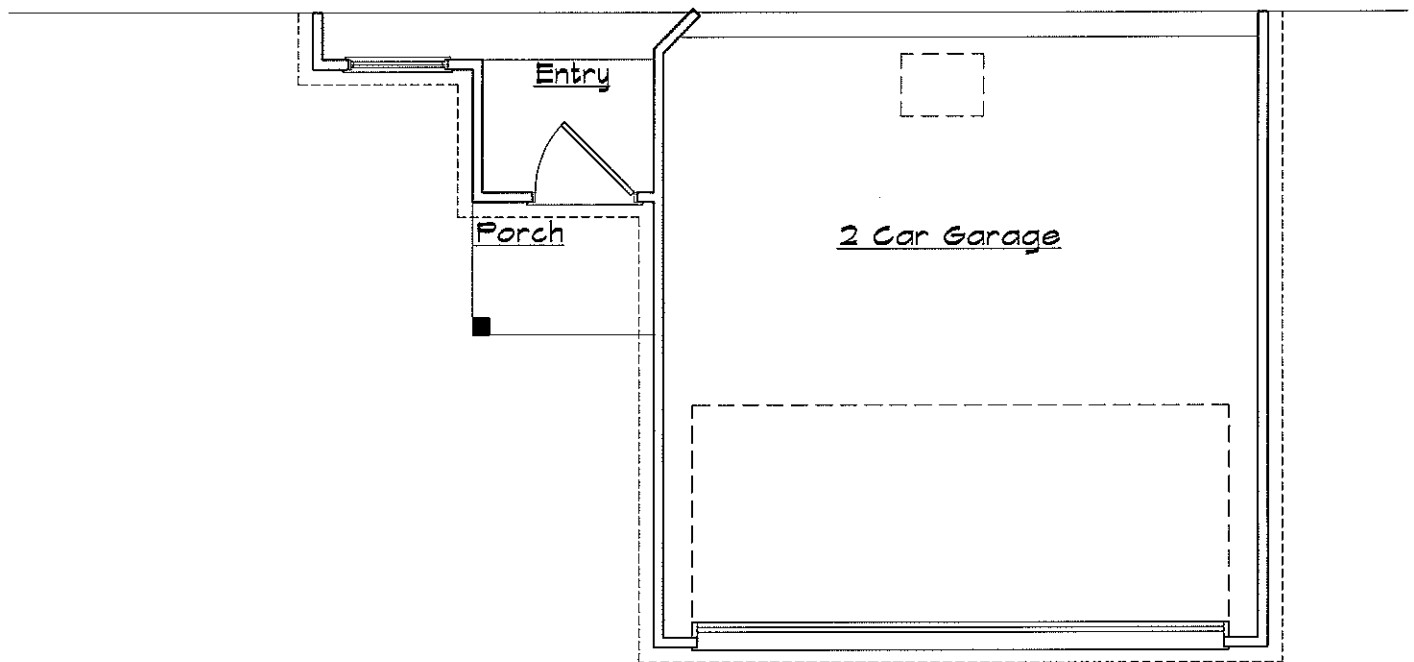
CTX0509



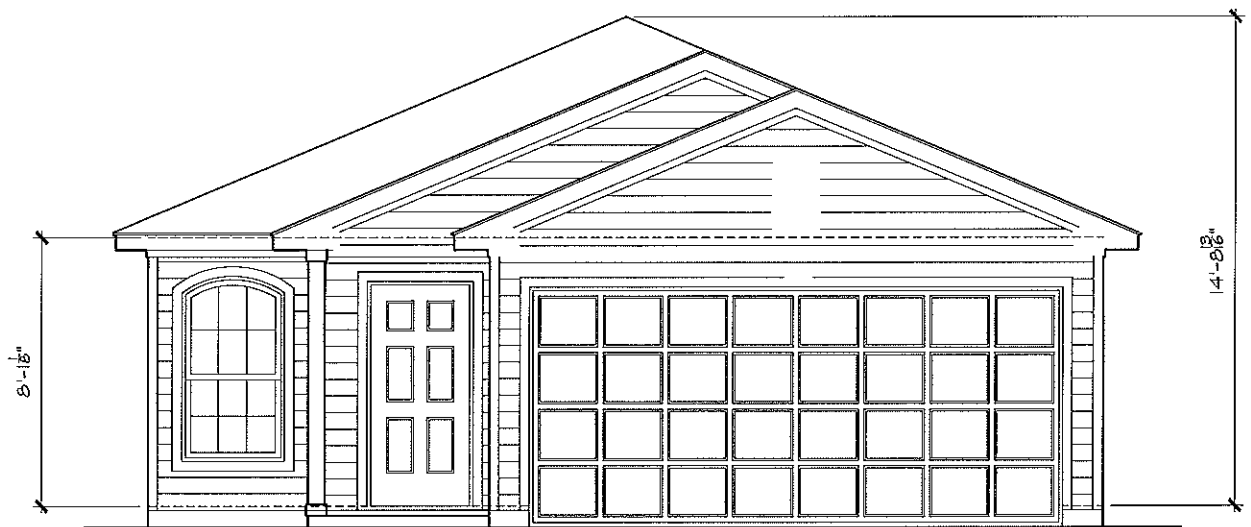
Partial Floor Plan



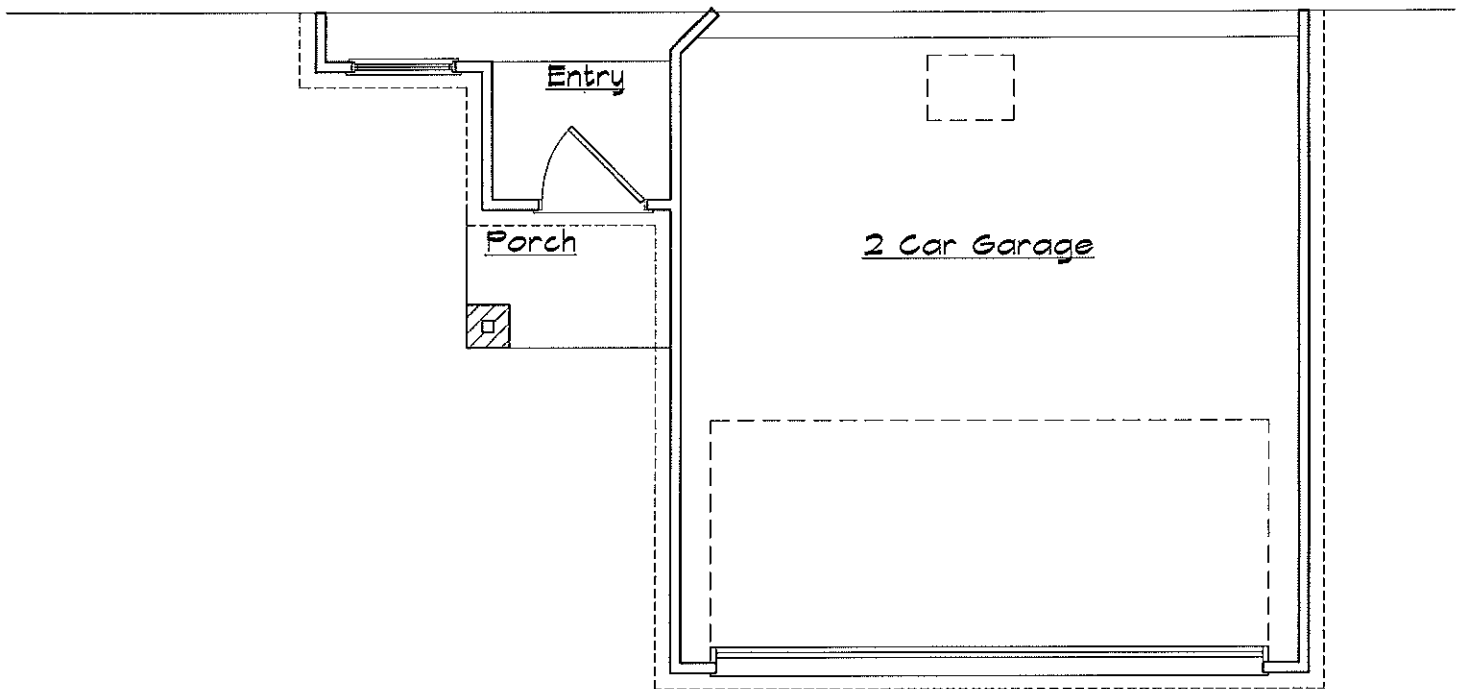
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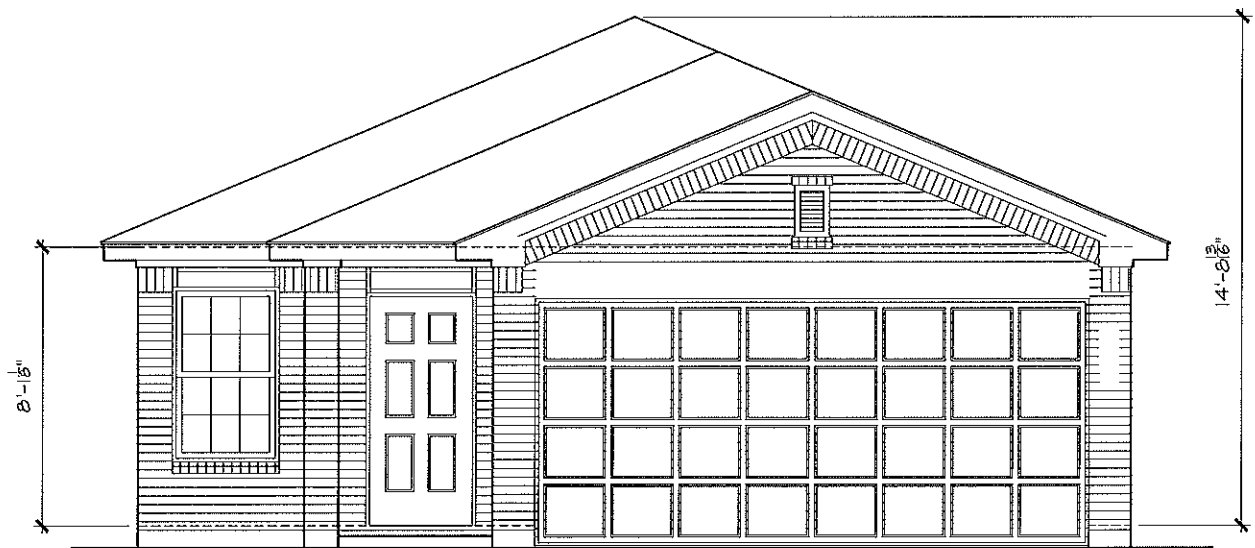
Partial Floor Plan



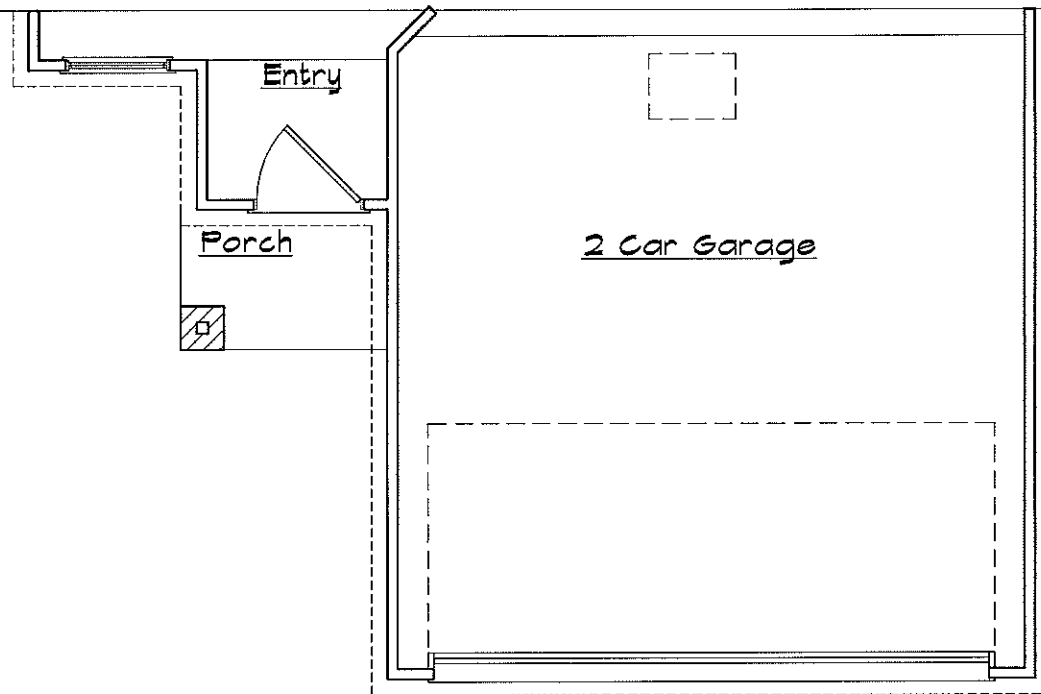
Front Elevation "C" CTX0509



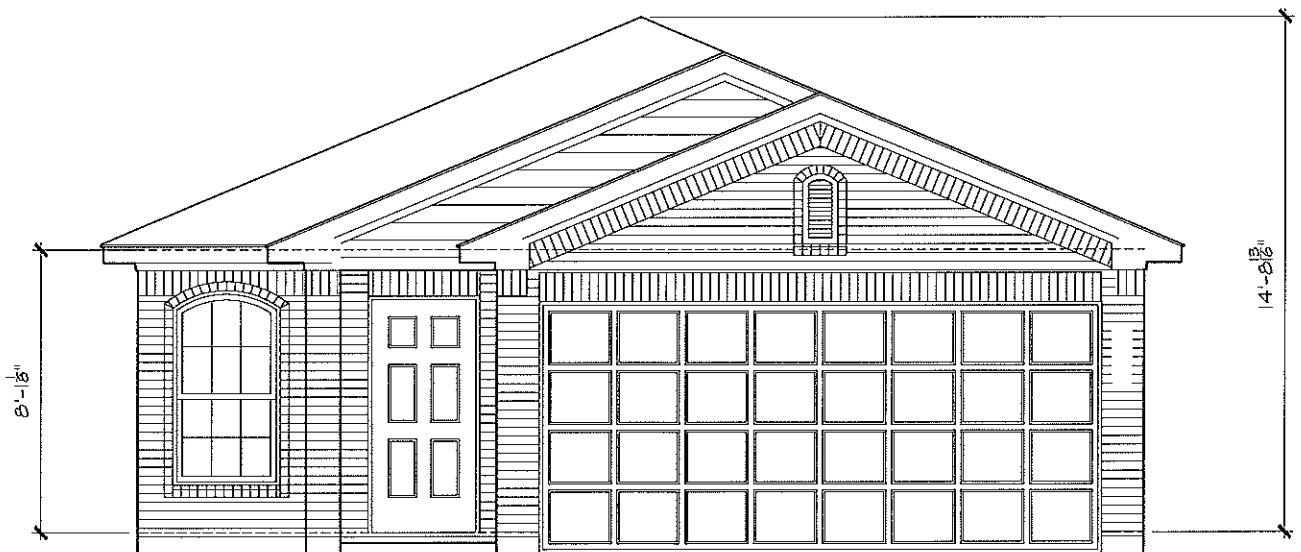
Partial Floor Plan



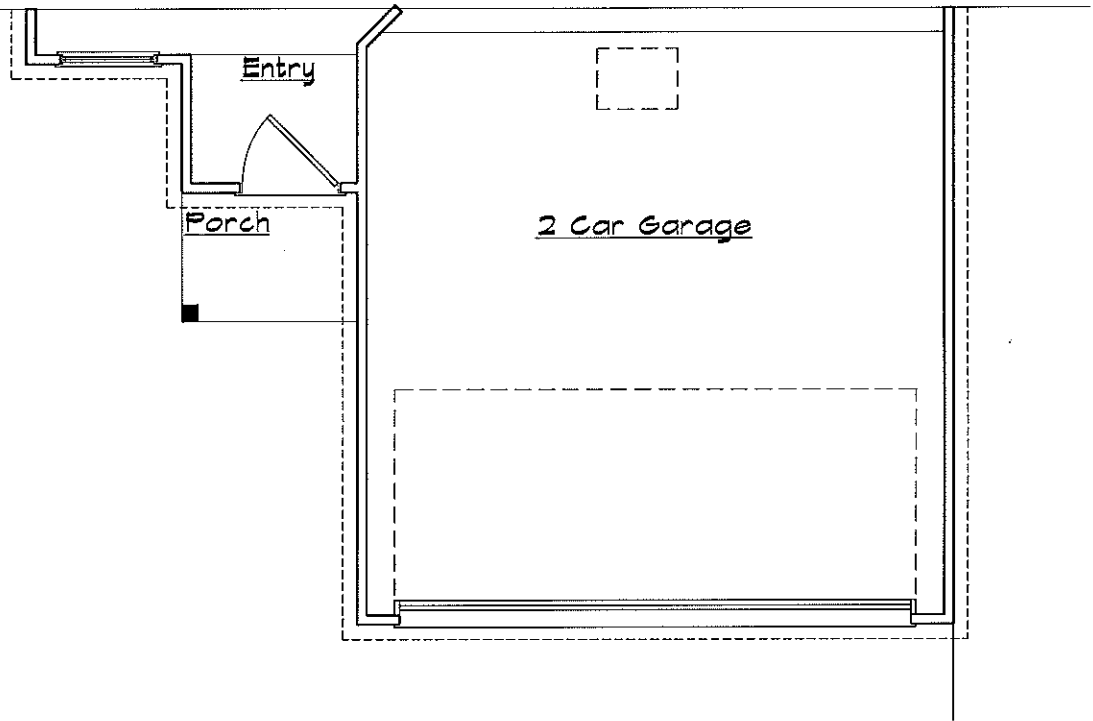
Front Elevation "E" CTX0509



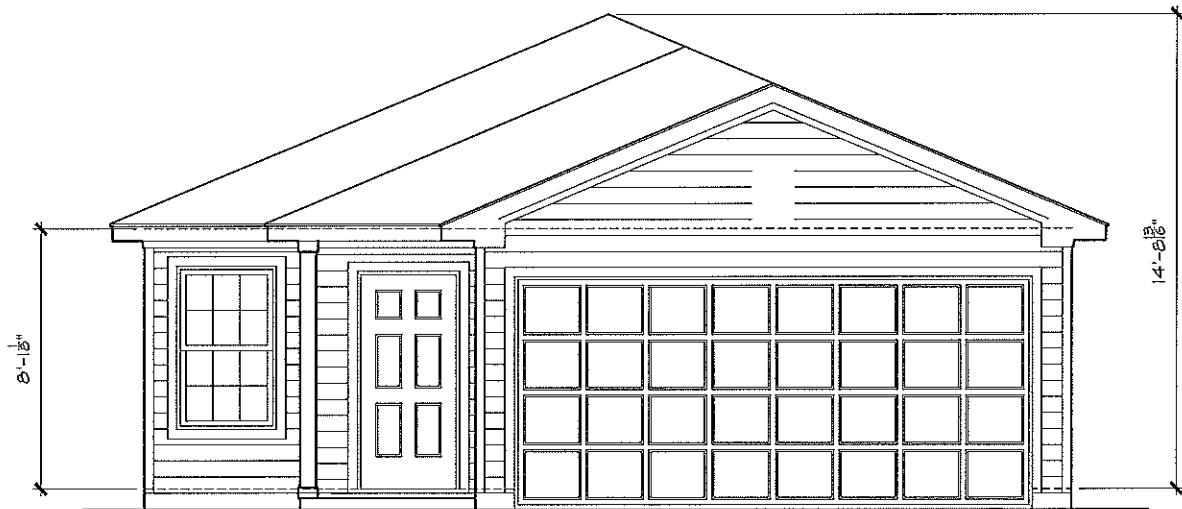
Partial Floor Plan



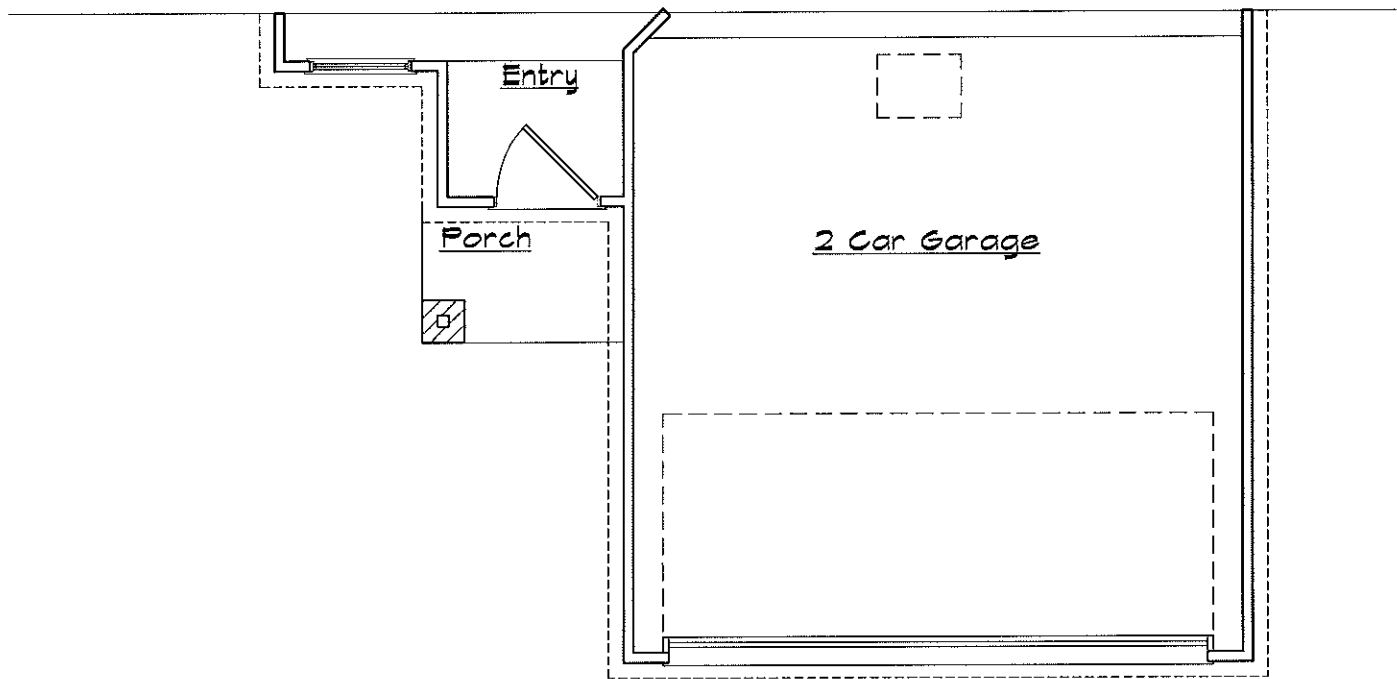
Front Elevation "F" CTX0509



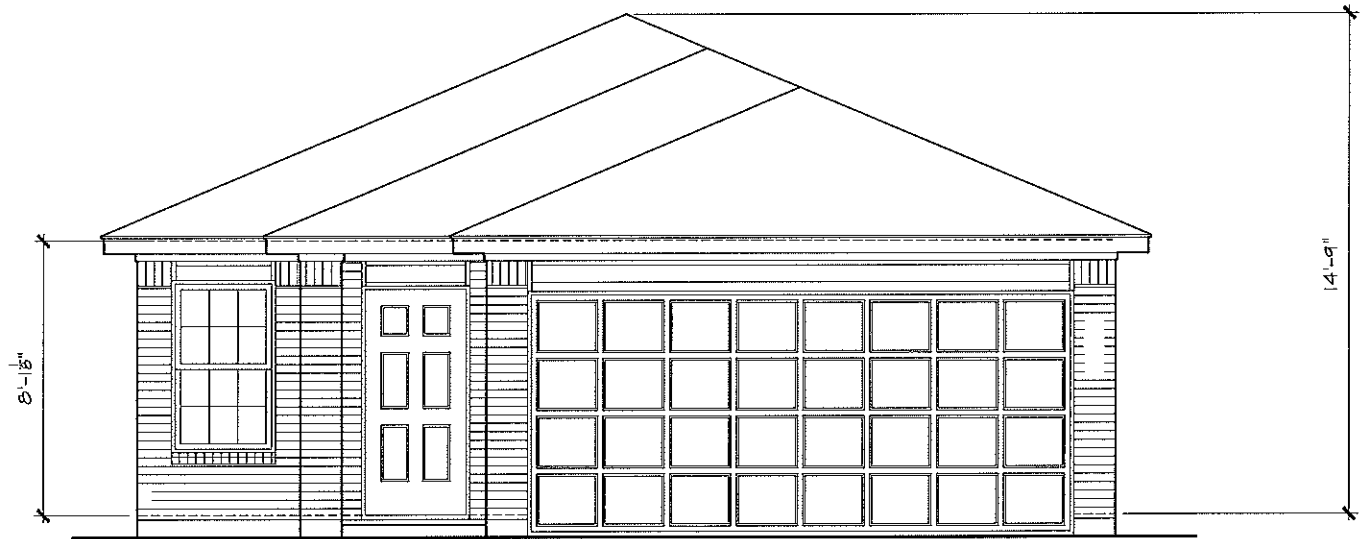
Partial Floor Plan



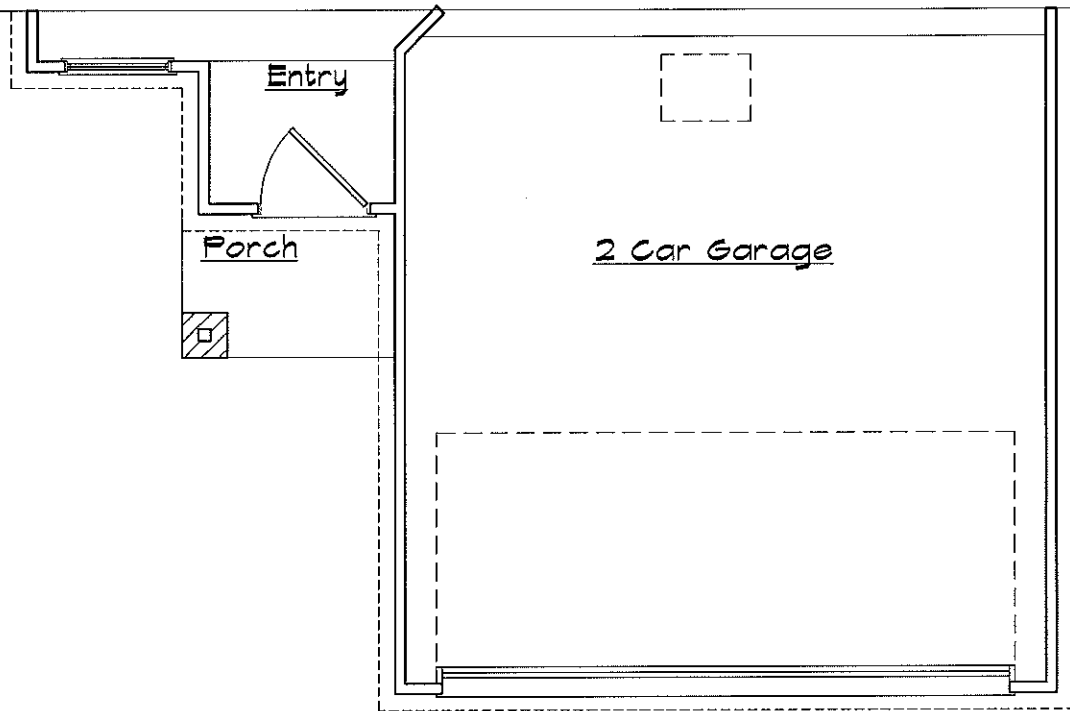
Front Elevation "J" CTX0509



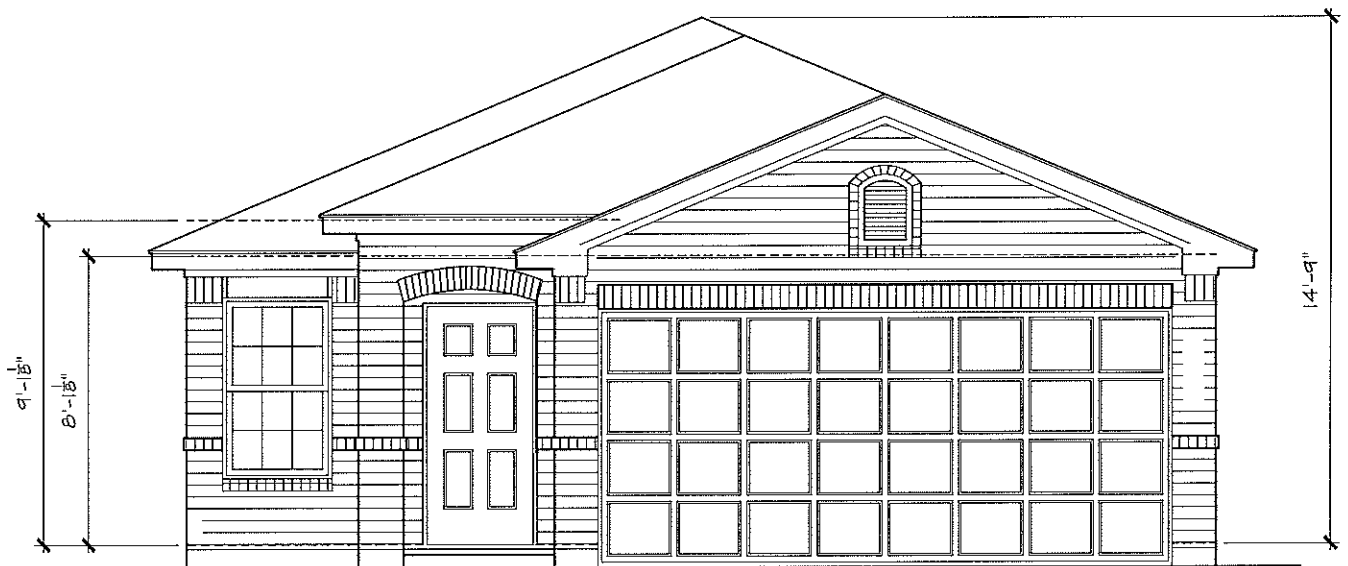
Partial Floor Plan



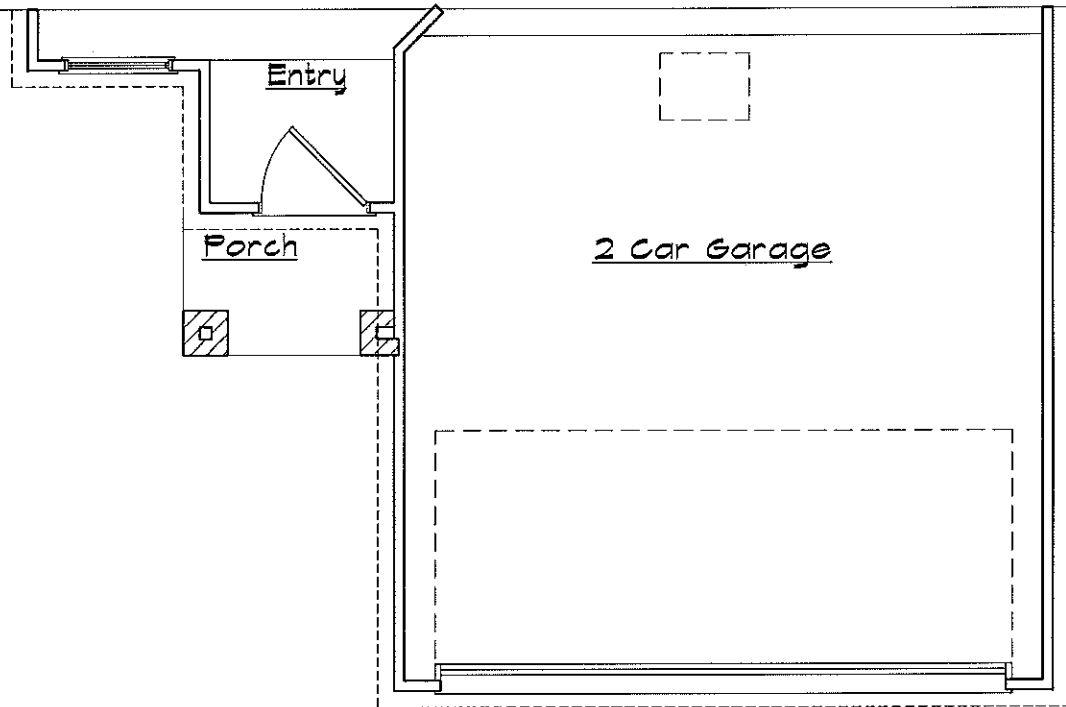
Front Elevation "K" CTX0509



Partial Floor Plan



Front Elevation "L" CTX0509



Partial Floor Plan



Front Elevation "M" CTX0509